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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,115	04/30/2001	Masayuki Chatani	SONYP009	5023
25920 7590 08/18/2009 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
BAROT, BHARAT				
ART UNIT		PAPER NUMBER		
2455				
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08/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/846,115

Applicant(s)

CHATANI, MASAYUKI

Examiner

Bharat N. Barot

Art Unit

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-23 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21-23, and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

REOPEN PROSECUTION

1. In view of the appeal brief filed on May 06, 2009, PROSECUTION IS HEREBY REOPENED. The new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455

2. Claims 1-19, 21-23, and 25-37 remain for further examination.

The new grounds of rejection

3. Applicants' arguments with respect to claims 1-19, 21-23, and 25-37 filed on May 06, 2009 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102(e)

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19, 21-23, and 25-37 are rejected under 35 U.S.C. 102 (e) as being anticipated by Sutton et al (U.S. Patent No. 6,539,354). Sutton's patent meets all the limitations for claims 1-19, 21-23, and 25-37 recited in the claimed invention.

6. As to claim 1, Sutton et al teach a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network (figure 1; column 4 line 48 to column 5 line 2; and column 19 lines 46-65) comprising: specifying content data output characteristics to be associated with the content data upon output by the second computer (figures 5A and 10; column 16 lines

12-49; and column 20 lines 12-31); transmitting the content data from the first computer to the second computer over the bi-directional communications network (column 19 lines 46-65); and altering the content data that is to be output by the second computer in accordance with the content data output characteristics specified through the first computer, the output characteristics identifying an expression to be applied to the content data (figures 10-11; and columns 20-21), the altering includes converting an audio component of the content data to text data, the text data being processed into converted text data, and the converted text data being synthesized into audio data that includes the applied expression that does not perform language translation (figures 6-7 and 10; column 16 line 50 to column 18 line 8; and column 20 lines 12-67).

7. As to claim 2, Sutton et al teach the steps of: receiving the content data in the first computer (inputs 2A and 2B); and outputting the altered content data from the second computer (multimedia output 100 and 102) (figure 5A; and column 16 lines 12-49).

8. As to claim 3, Sutton et al teach that the content data output characteristics include location information of the first and second computers, the location information affects the altering of the content data (figures 1 and 5A; column 7 lines 41-59; and column 16 lines 12-34).

9. As to claims 4-5, Sutton et al teach that the received content data comprises voice data input into the first computer (figures 5A, 7, 9, and 10); and the altered content data being transmitted for output through speakers coupled to the second computer (column 8 lines 28-34; column 13 lines 6-13; and column 22 lines 11-18).

10. As to claim 6, Sutton et al teach that the content data output characteristics include at least one of character gender, character condition, character environment, and language (column 20 lines 39-46 and 57-67).

11. As to claims 7-8, Sutton et al teach that the content data output characteristics are defined by input received by the first computer through a user interface; and the content data output characteristics are defined by input received by the second computer through a user interface (column 14 lines 18-33; column 20 lines 12-25; and column 21 line 65 to column 22 line 18).

12. As to claim 9, Sutton et al teach that the content data output characteristics are stored in a database residing in memory storage coupled to the second computer (column 18 lines 2-8).

13. As to claim 11, Sutton et al teach that the first and second computers are coupled to audio speakers, and wherein the content data output characteristics comprise an audio output ratio for outputting content data from the audio speakers (column 8 lines 28-34; column 13 lines 6-13; column 20 lines 32-67; and column 22 lines 11-18).

14. As to claims 12-13, Sutton et al teach that the location information for the first and second computers are respectively obtained from the first and second computers and determined by the physical location of the first and second computers (figures 1 and 5A; column 7 lines 41-59; and column 16 lines 12-34).

15. As to claims 10 and 31, they are also rejected for the same reasons set forth to rejecting claims 1-9 and 11-13 above.

16. As to claims 14-19, 21-23, and 25-29, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 14-19, 21-23, and 25-29 are merely an apparatus for the method of operation defined in the claims 1-13 and 31.

17. As to claim 30 it is also rejected for the same reasons set forth to rejecting claim 1 above, since claim 30 is merely an apparatus for the method of operation defined in the claim 1.

18. As to claims 32-37, they are also rejected for the same reasons set forth to rejecting claims 1-13 and 31 above, since claims 32-37 are merely an apparatus for the method of operation defined in the claims 1-13 and 31. Additionally, Sutton et al teach that the claimed invention implemented in the interactive network system and gaming system (column 19 lines 46-65; and column 20 lines 32-67).

Response to Arguments

19. Applicants' arguments with respect to claims 1-19, 21-23, and 25-37 filed on May 06, 2009 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

20. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Additional References

21. The examiner as of general interest cites the following references.

- a. DeLaHuerge, U.S. Patent No. 6,779,024.
- b. Yang, U.S. Patent No. 6,453,280.

Contact Information

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2455

August 06, 2009